

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

## FIRST AMENDED SHORT FORM COMPLAINT

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Felicia Thomas

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

## Johnny Thomas

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

## Georgia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Georgia

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

## X Bard Peripheral Vascular, Inc.

## 9. Basis of Jurisdiction:

## X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master  
Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

□ Recovery® Vena Cava Filter

□ G2® Vena Cava Filter

- G2® Express (G2®X) Vena Cava Filter
- Eclipse® Vena Cava Filter
- Meridian® Vena Cava Filter
- Denali® Vena Cava Filter
- Other:

11. Date of Implantation as to each product:

December 20, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

## X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

### X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

### X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence - Failure to Warn

## X Count VIII: Negligent Misrepresentation

X. G. Gao et al. / Journal of Nonlinear Science 20 (2010) 831–856

$$X_{\alpha} = G_{\alpha} \cap X_{\alpha} \cap D_{\alpha} = 1 \in \mathcal{F}(E_{\alpha}) \cap \mathcal{W}_{\alpha}$$

Y. G. Wu, D. L. Shi, and H. Wu

<sup>10</sup> See, e.g., *Yves R. Gagnon, The Canadian Tax System: A Guide to the Income Tax Act* (1996) 10-11.

## X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Georgia (insert state)

# Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

□ Count XV: Loss of Consortium

□ Count XVI: Wrongful Death

## □ Count XVII: Survival

## X Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

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13. Jury Trial demanded for all issues so triable?

X Yes

□ No

1 RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of February 2019.

2 TAUTFEST BOND, PLLC

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19 Attorneys for the Plaintiff

20 I hereby certify that on this 6<sup>th</sup> day of February 2019, I electronically transmitted  
21 the attached document to the Clerk's Office using the CM/ECF System for filing and  
22 transmittal of a Notice of Electronic Filing.

23 /s/ Monte Bond

24 /s/ Jessica Glitz